

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

)
) 03 MDL No. 1570 (RCC)
) ECF Case

This document relates to:

C.A. No. 03-CV-9849 (RCC)

THOMAS E. BURNETT, SR., *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*

ORDER

Upon consideration of Defendants' Motion to Strike, Plaintiffs' Response, and the entire record herein, it this _____ day of _____, 2004, hereby

ORDERED, that Defendants' Motion to Strike shall be, and hereby is **GRANTED**, and it is

FURTHER ORDERED that the *Burnett* plaintiffs' original Oppositions, and the plaintiffs' "corrected" Oppositions, to the Motions to Dismiss of Defendants Saudi Arabian Red Crescent Society (D211), Hamad Al-Husaini (D209), Safer Al-Hawali (D221), and Saleh Al-Hussayen (D222), and the plaintiffs' "corrected" Affidavit in support of plaintiffs' Opposition to the Motion to Dismiss of Shahir A. Batterjee (D67), shall be, and hereby are, struck from the record; and it is

FURTHER ORDERED, the Defendants' motions to dismiss, Saudi Arabian Red Crescent Society's Motion to Dismiss the Third Amended Complaint (Apr. 9, 2004) (Docket No. 99); Hamad Al-Husaini's Motion to Dismiss the Third Amended Complaint (Apr. 8, 2004) (Docket No. 82); Safer Al-Hawali's Motion to Dismiss the Third Amended Complaint (Apr. 8,

2004) (Docket No. 81); Saleh Al-Hussayen's Motion to Dismiss the Third Amended Complaint (Apr. 8, 2004) (Docket No. 83); Salman Al-Oadah's Motion to Dismiss the Third Amended Complaint (Apr. 8, 2004) (Docket No. 84), thereby conceded, be **GRANTED**; and it is

FURTHER ORDERED that plaintiffs pay Defendants the reasonable attorneys' fees and costs Defendants have expended in responding to Plaintiffs' Oppositions to their Motions to Dismiss, and in filing this Motion to Strike, upon an accounting of such fees and expenses to be submitted to this Court by Defendants' counsel, within 20 days of this Order.

IT IS SO ORDERED, this _____ day of _____, 2004.

Honorable Richard Conway Casey
United States District Judge